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Company GUC Trust

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11 Case No.
: :
MOTORS LIQUIDATION COMPANY, et al., : 09-50026 (REG)
f/k/a **General Motors Corp., et al.** :
Debtors. : (Jointly Administered)
:
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**NOTICE OF PRESENTMENT OF ORDER EXPUNGING CLAIM NUMBER 70868
FILED BY BARRY SPENCER AND GRANTING RELATED RELIEF**

PLEASE TAKE NOTICE that, the Motors Liquidation Company GUC Trust (the “GUC Trust”), formed by the above-captioned debtors (collectively, the “Debtors”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan dated March 18, 2011, will present the attached Order (the “Proposed Order”) to the Honorable Robert E. Gerber, United States Bankruptcy Judge, for approval and signature at Room 621 of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), One Bowling Green, New York, New York 10004 on **February 6, 2012, at 4:00 p.m. (Eastern Time)**, which clarifies that Claim Number 70868 (the “Claim”) filed by Barry-Henry Spencer Junior (“Spencer”) has been expunged and grants related relief.

PLEASE TAKE FURTHER NOTICE that, on November 30, 2009, Spencer

filed two proofs of claim (Claim numbers 64658 and 64659, the “**Original Claims**”), asserting claims against the Debtors in the amount of \$682,000,000.00 for, among other things, personal injury;

PLEASE TAKE FURTHER NOTICE that, in September, 2010, the Debtors and Spencer executed a settlement agreement (the “**Settlement Agreement**”) pursuant to which, among other things, (i) the Original Claims were allowed in the amount of \$200,000 and (ii) Spencer waived any future rights to additional payments from the Debtors, and released any and all claims against the Debtors in existence as of the execution of the Settlement Agreement;

PLEASE TAKE FURTHER NOTICE that, after execution of the Settlement Agreement, Spencer filed at least six pleadings with this Court seeking to invalidate the Settlement Agreement and purporting to encumber the property of the Debtors;¹

PLEASE TAKE FURTHER NOTICE that, on October 3, 2011, this Court entered an order (the “**Settlement Order**”) enforcing the Settlement Agreement and providing that Spencer “waived (i) any future rights to additional payments from the Debtors, their affiliates, their estates, or their respective successors or assigns (the “**Debtor Parties**”), and (ii) any and all claims against the Debtor Parties in existence as of the execution of the Spencer Settlement Agreement;”

PLEASE TAKE FURTHER NOTICE that, on February 2, 2011, Spencer filed an additional claim against the Debtors, seeking \$1,300,300.00 for “expenses for the costs, wages,

¹ Between September 2010 and June 2011, Spencer filed numerous other pleadings with this Court including: (1) seven Notices of Claim of Maritime Lien each in the amount of \$39,000,000.00 naming the Debtors and professionals as “vessels” (e.g., “U.S. M/V Motor Liquidation Company” and “U.S. M/V Harvey R. Miller”) [ECF No. 9793]; and (2) pleadings comprised of, among other documents: (a) a surety bond; (b) a petition to intervene; (c) a Petition for Warrant for Issuance of Arrest, which requests that the Court “take jurisdiction of the subject matter by arrest of the vessels and/or justice persons and issue ordo attachiamentorum” for the Debtors; and (d) a Motion for a Default Judgment. [ECF No. 10169].

materials, for maintaining court cases, files, and processing of documents, including but not limited to these services rendered to the trust” (the “**Administrative Claim**”);

PLEASE TAKE FURTHER NOTICE that on November 16, 2011, counsel for the GUC Trust sent a letter to the Debtors’ claims agent, Garden City Group (“**GCG**”), with a copy to Spencer, stating that the Administrative Claim was expunged pursuant to the Settlement Agreement and instructing GCG to note on the claims register that the Administrative Claim had been expunged;

PLEASE TAKE FURTHER NOTICE that, on November 28, 2011, GCG marked the Administrative Claim on the Debtors’ claim registry as expunged;

PLEASE TAKE FURTHER NOTICE that, on December 1, 2011, Spencer sent a letter to GCG and the GUC Trust (the “**Spencer Letter**”) [ECF. No. 50026] arguing “this claim [the Administrative Claim] was not legally added to the fraudulent contract;”

PLEASE TAKE FURTHER NOTICE that, in light of the Spencer Letter, the GUC Trust is seeking entry of the Proposed Order clarifying that the Administrative Claim has been expunged and enjoining Spencer from filing future claims against the Debtors, consistent with the Settlement Order;

PLEASE TAKE FURTHER NOTICE that, the GUC Trust reserves the right to object to the Administrative Claim on any grounds if the Court does not grant the relief requested herein;

PLEASE TAKE FURTHER NOTICE that, the Bankruptcy Court may schedule a hearing or, consistent with the terms of the Settlement Order, enter an order substantially in the form of the Proposed Order, with no further notice or opportunity to be heard offered to any party.

Dated: New York, New York
January 18, 2012

/s/ Stefanie Birbrower Greer
Barry N. Seidel (BS-1945)
Stefanie Birbrower Greer (SG-2898)

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

	x
In re	:
MOTORS LIQUIDATION COMPANY, et al.	:
f/k/a General Motors Corp., et al.,	:
Debtors.	:
	:
	x

ORDER EXPUNGING CLAIM NUMBER 70868 AND GRANTING RELATED RELIEF

Upon the notice of presentment of the proposed order (the “**Proposed Order**”)² clarifying that Claim Number 70868 filed by Barry-Henry Spencer Junior and granting related relief, by the Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the above-captioned debtors (collectively, the “**Debtors**”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan, dated March 18, 2011 (as may be amended, supplemented, or modified from time to time, the “**Plan**”); and due and proper notice of the Proposed Order having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought is in the best interests of the Debtors, their estates, creditors, and all parties in interest and after due deliberation and sufficient cause appearing therefor, it is:

ORDERED that, pursuant to the Settlement Agreement and the Settlement Order, Claim Number 70868 is hereby expunged; and it is further

ORDERED that, if Spencer files any further claims against the Debtors or the GUC Trust, neither the Debtors nor the GUC Trust shall be required to include such claims on the claims register, object to such claims or otherwise take any action with respect to such claims unless

² Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Notice of Presentment of Order Expunging Claim Number 70868 and Related Relief.

directed by the Court; and it is further

ORDERED that nothing contained in this Order shall supersede the Settlement Order and such order shall remain in full force and effect; and is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: February ____, 2012
New York, New York

United States Bankruptcy Judge